

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

GARY LYNN McDUFF, #59934-079 §  
VS. § CIVIL ACTION NO. 4:17cv391  
UNITED STATES OF AMERICA § CRIMINAL ACTION NO. 4:09cr90(2)

## **ORDER OF DISMISSAL**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson who issued a Report and Recommendation concluding that the motion to vacate, set aside, or correct sentence should be denied and dismissed with prejudice. Movant has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Movant to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the court.

It is accordingly **ORDERED** that the motion to vacate, set aside, or correct sentence is **DENIED** and Movant's case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. Finally, it is **ORDERED** that all motions not previously ruled on are hereby **DENIED**.

**SIGNED this the 22nd day of November, 2020.**

Richard A. Schell  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE